

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES DEPARTMENT OF)
LABOR, ELAINE CHAO, SECRETARY)
OF LABOR,)
Plaintiff,)
v.) No. 4:05-CV-609 CAS
LAURA BUXTON, d/b/a)
Osuna's Mexican Restaurant,)
Defendant.)

ORDER

This matter is before the Court on an untitled document submitted by pro se defendant Laura Buxton and received by the Court on August 18, 2005. The Court assumes this document is intended to be defendant's Answer to plaintiff's Complaint, although the document was not labeled as such and was submitted approximately thirty days after the deadline for its filing.¹ The Court will grant leave for the document to be filed out of time and will direct the Clerk of the Court to docket it as defendant's answer.

In general, pro se representation does not excuse a party from complying with a court's orders and with the Federal Rules of Civil Procedure and other applicable procedural rules, including time deadlines. See Ackra Direct Mktg. Corp. v. Fingerhut Corp., 86 F.3d 852, 856 (8th Cir. 1996). Defendant is notified that in the future, any pleading, motion or other paper which she seeks to file must include (1) a full case caption in the form shown above, including the name of the court, the title

¹Counsel for plaintiff contacted the Court's chambers personnel last week and informed the Court that defendant had sent plaintiff's counsel an answer, but defendant did not appear to have filed the answer with the Court. Because a motion for clerk's entry of default against defendant was pending, the Court expresses its appreciation to plaintiff's counsel for providing this information.

of the action, the file number, and a title (name) for the document; (2) a certificate of service showing that copies were mailed to the other parties in the case.² Federal Rule of Civil Procedure 5 requires that a copy of all materials filed with the Court must be provided to counsel of record for the other parties in the case. See Fed. R. Civ. P. 5(a), (b) and (d); and (3) defendant Buxton's signature, with her name printed below, along with her address and telephone number. See Eastern District of Missouri Local Rule 2.01(A). Further, any document which is submitted after the applicable filing deadline has passed must be accompanied by a separate written motion for leave to file it out of time.

Any pleading, motion or other paper submitted to the Court in the future which does not comply fully with these requirements will not be accepted for filing and will be returned to defendant. Defendant Buxton shall also promptly notify the Clerk of Court and each party to this proceeding of any change in her address. See E.D. Mo. Local Rule 2.06(B).

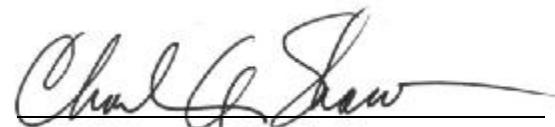
Accordingly,

IT IS HEREBY ORDERED that leave to file out of time is granted and the Clerk of the Court shall file the document received from defendant Buxton on August 18, 2005, as an Answer to plaintiff's Complaint.

IT IS FURTHER ORDERED that plaintiff's motion for clerk's entry of default is **DENIED as moot.** [Doc. 7]

²An acceptable certificate of service could state, "I hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, in the U.S. Mail on this ____ day of August, 2005, to: Ms. Andrea Christensen Luby, U.S. Department of Labor, 1100 Main St., 1210 City Center Square, Kansas City, MO 64105," with Ms. Buxton's signature following the certificate of service. A certificate of service in approximately this format must be present on every pleading, motion or other paper submitted to the Court for filing.

IT IS FURTHER ORDERED that all future pleadings, motions or other papers submitted by defendant shall comply with the form of pleading requirements of the Local Rules of this Court and the Federal Rules of Civil Procedure as set forth in this Order, or the same will be returned to her.



CHARLES A. SHAW
UNITED STATES DISTRICT JUDGE

Dated this 25th day of August, 2005.